

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AMBER MILLER,

Plaintiff,

VS.

**NO. _____
JURY DEMANDED**

HOBBY LOBBY STORES, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant, Hobby Lobby Stores, Inc., hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court for the Thirtieth Judicial District at Memphis, Tennessee, and Plaintiff, Amber Miller, that the action described herein and filed in the Circuit Court for the Thirtieth Judicial District at Memphis, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division, pursuant to 28 U.S.C. § 1441.

1. On September 30, 2022, Plaintiff, Amber Miller, filed a civil action bearing Docket No. CT-4001-22 against the Defendant, Hobby Lobby Stores, Inc., in the Circuit Court for the Thirtieth Judicial District at Memphis, Tennessee. Service of the complaint and summons was made upon Defendant's registered agent, Corporation Service Company, on October 13, 2022.

2. Plaintiff filed this premises liability action based upon an incident that occurred in Bartlett, Tennessee, on December 6, 2021. Specifically, Plaintiff asserts a claim of (1) premises liability and (2) negligence under the non-delegable duty doctrine.

3. Defendant seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332.

4. Plaintiff, Amber Miller, is a resident and citizen of Shelby County, Tennessee, and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, Hobby Lobby Stores, Inc., is a corporation incorporated in Oklahoma, with its principal place of business in Oklahoma City, Oklahoma. Plaintiff demands in her Complaint compensatory damages to not exceed Five Hundred Thousand Dollars (\$500,000.00). Plaintiff also seeks punitive damages. As such, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons, Complaint, and Plaintiff's First Set of Interrogatories and Request for Production of Documents, being all the papers served upon the Defendant, is attached hereto as **Exhibit 1**.

WHEREFORE, Notice is hereby given that the said civil action number CT-4001-22 is removed from the Circuit Court for the Thirtieth Judicial District at Memphis, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/ Bradford D. Box

BRADFORD D. BOX (BPR No. 016596)

209 E. Main Street

Jackson, TN 38301

P: (731) 423-2414

F: (731) 426-8150

bbox@raineykizer.com

Attorneys for Defendant

Hobby Lobby Stores, Inc.

CERTIFICATE OF SERVICE

This is to certify that, on the 28th day of October, 2022, a true and correct copy of the foregoing document has been served in the manner of service indicated on the counsel of record listed below:

- ☒ By U.S. Mail, properly addressed and first-class postage prepaid
- ☐ By facsimile
- ☒ By operation of the Court's electronic filing system
- ☐ By hand delivery
- ☐ By email as previously agreed by counsel
- ☐ By third party express delivery carrier, i.e., Federal Express, for overnight delivery

Elaine Sheng, Esq.

Morgan & Morgan Memphis, LLC

80 Monroe, Suite 900

Memphis, TN 38103

P: (901) 333-1918

F: (901) 333-1882

esheng@forthepeople.com

Attorneys for Plaintiff Amber Miller

s/Bradford D. Box

Bradford D. Box